

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC., *et al.*,

Defendants.

No. 2:23-cv-0932-JHC

**PLAINTIFF'S MOTION TO
TEMPORARILY SEAL PLAINTIFF'S
AMENDED COMPLAINT**

NOTE ON MOTION CALENDAR:
Friday, October 6, 2023

Pursuant to Local Rule 5(g), the Federal Trade Commission ("FTC" or the "Commission") respectfully requests the Court temporarily seal its Amended Complaint for Permanent Injunction, Civil Penalties, Monetary Relief, and Other Equitable Relief ("Amended Complaint") (Dkt. #69).¹ The only proposed redactions to the Amended Complaint apply to the same information Amazon sought to protect in its Motion to Seal (Dkt. #41). Although the FTC

¹ The FTC has filed a redacted version of the Amended Complaint on the public docket. (Dkt. #67.)

1 does not agree that this information ultimately should be sealed (*see* Dkt. #56), the FTC files this
 2 Motion to avoid mooted Defendant Amazon.com, Inc.’s (“Amazon”) Motion to Seal and to
 3 comply with the Court’s July 5, 2023 Order (Dkt. #14 ¶ 8). The FTC also respectfully requests
 4 the Court’s permission, after the Court rules on Amazon’s Motion to Seal (Dkt. #41), to file a
 5 public version of the Amended Complaint that unredacts information the Court has determined
 6 should not remain sealed.

7 **LOCAL RULES 7(g)(3)(A), 7(e) CERTIFICATION**

8 FTC counsel Evan Mendelson, Olivia Jerjian, and Thomas Maxwell Nardini and Amazon
 9 counsel Laura Flahive Wu, Kevin Kelly, and Ryan Miller met and conferred by videoconference
 10 on July 17, 2023 regarding Amazon’s request to seal the materials referenced herein. *See* Dkt.
 11 #43 ¶5. The parties did not reach an agreement.

12 On September 19, 2023, counsel for Amazon stated via email that it does not oppose this
 13 Motion, but also does not believe the Motion should be labeled “unopposed” and requested an
 14 opportunity to respond. In particular, counsel wrote as follows: “[A]lthough Amazon does not
 15 oppose the motion to seal, we saw that the FTC noted in the motion that it expressly does not
 16 agree that the material should remain sealed. We therefore do not believe it’s proper to style the
 17 motion as unopposed and request that you note it for consideration three Fridays out per LCR
 18 7(d)(3) to allow Amazon time to make it’s affirmative showing under LCR 5(g)(3)(B) to
 19 maintain under seal the materials it believes warrant such treatment.” The FTC’s understanding
 20 from this email exchange is that Amazon does not oppose entry of the attached Proposed Order.
 21 On September 20, 2023, counsel for Defendants Neil Lindsay, Russell Grandinetti, and Jamil
 22 Ghani stated via email: “Messrs. Grandinetti, Lindsay, and Ghani consent to the public filing of
 23

1 the redacted amended complaint you have shared. As they are not yet parties to the litigation,
2 they take no further position with regard to proposed or pending motions.”

3 I certify that this memorandum contains 162 words, in compliance with the Local Civil
4 Rules.

5
6 Dated: September 20, 2023

/s/ Evan Mendelson

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18 Attorneys for Plaintiff
19 FEDERAL TRADE COMMISSION
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CERTIFICATE OF SERVICE

I, Evan Mendelson, certify that on September 20, 2023, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system, which served counsel for Defendant Amazon.com, Inc. Additionally, having received written consent from counsel for Defendants Neil Lindsay, Russell Grandinetti, and Jamil Ghani, I will serve the the foregoing motion on those Defendants by email to: Laura Flahive Wu, Esq. (lflahivewu@cov.com), 850 Tenth Street, NW, Washington, DC 20001.

Dated: September 20, 2023

/s/ Evan Mendelson

Evan Mendelson